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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,081	11/14/2003	Johannes Martin	5150-20CIP	9533

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EXAMINER

RINEHART, KENNETH

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,081

Applicant(s)

MARTIN ET AL.

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 14, 15 and 20-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/210,156.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by 461849. 461849 shows a grate including grate steps (a, b, fig. 1), every second one of said grate steps along a longitudinal direction of said grate is movable in a stoking direction (b, fig. 1), wherein others of said grate steps between said every second one of said grate steps are stationary (a, fig. 1); drive devices arranged under said grate for moving said moveable grate steps (fig. 1); and a housing for protecting said drive devices arranged between said drive devices and said grate (g, fig. 1), said housing comprising a first longitudinal section (c, fig. 1) and a second longitudinal section (g, fig. 1), said first longitudinal section being enclosed in the underblast chamber (fig. 1) and said second longitudinal section being partially enclosed in the underblast chamber and being open toward a bottom such that said second longitudinal area is accessible from underneath (portion under h is accessible, fig. 1), said housing comprises a separate housing chamber for each of said drive devices arranged under said grate (g, g, fig. 1), said grate comprises a grate inclination and said housing chambers are staggered relative to each other relative to said grate inclination (fig. 1), each of said drive devices is connected to two of said moveable grate steps (fig. 1), each of said drive devices comprising at least one hydraulic cylinder/piston unit including a piston rod (rod connected to rod d, fig. 1), a

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push rod connected to said piston rod (d, fig. 1), and a carriage connected to at least one moveable grate step (f, fig. 1), wherein said push rod is sealingly guided through a wall of said housing (fig. 2, fig. 3), said piston rod is connected to said push rod by an articulation (fig. 1).

Claims 12, 13, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by 911316. 911316 shows a grate including grate steps (1, fig. 1), every second one of said grate steps along a longitudinal direction of said grate is movable in a stoking direction (1, fig. 1), wherein others of said grate steps between said every second one of said grate steps are stationary (1, fig. 1); drive devices arranged under said grate for moving said moveable grate steps (5, fig. 1); and a housing for protecting said drive devices arranged between said drive devices and said grate (4, fig. 1), said housing comprising a first longitudinal section (4, fig. 3) and a second longitudinal section (portion of 4 to far right, fig. 3), said first longitudinal section being enclosed in the underblast chamber (fig. 3) and said second longitudinal section being partially enclosed in the underblast chamber and being open toward a bottom such that said second longitudinal area is accessible from underneath (right end of 4 would be accessible from bottom due to inclination, fig. 3), said housing comprises a separate housing chamber for each of said drive devices arranged under said grate (5, fig. 1), said underblast chamber supplies primary air to said grate in a flow direction, said housing being streamlined relative to said flow direction (fig. 4), said grate comprises a grate inclination and said housing chambers are staggered relative to each other relative to said grate inclination (fig. 1), each of said drive devices is connected to two of said moveable grate steps (fig. 1).

***Allowable Subject Matter***

Claims 14, 15, 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to grates in general: Sheridan (4,172,425), Mitthof (5,694,868), Kroon et al (4895084), Douglas (2,230,833), Priebe et al (1,633,418), Sakash et al (4,534,301), Steifel (6024031).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KBR

  
KENNETH RINEHART  
PRIMARY EXAMINER